

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

SAMUEL GREGORY DORSEY ]  
Plaintiff, ]  
] ]  
v. ] No. 3:10-0884  
] Judge Campbell  
DAVIDSON COUNTY SHERIFF'S ]  
OFFICE, et al. ]  
Defendants. ]

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Davidson County Criminal Justice Center in Nashville. He brings this action pursuant to 42 U.S.C. § 1983 against the Davidson County Sheriff's Office and Shawn Beck, a guard at the Criminal Justice Center, seeking injunctive relief and damages.

On August 9, 2010, a cell door hit the plaintiff and threw him off balance. The door ran over the plaintiff's foot and closed on his right shoulder and arm, injuring him. The plaintiff believes that his injuries are due to Officer Beck's neglect.

To establish a claim for § 1983 relief, the plaintiff must plead and prove that the defendants, while acting under color of state law, deprived him of a right or privilege guaranteed by the Constitution or laws of the United States. Parratt v. Taylor, 101 S.Ct. 1908 (1981).

In essence, the plaintiff claims that his injuries were the

result of the defendants' negligence. Negligent conduct, however, is not actionable under § 1983 because it does not rise to the level of a constitutional deprivation. Estelle v. Gamble, 97 S.Ct. 285 (1976). This is true with respect to negligence claims arising under both the Eighth and Fourteenth Amendments. Whitley v. Albers, 106 S.Ct. 1078, 1084 (1986) (Eighth Amendment); Daniels v. Williams, 106 S.Ct. 662, 666 (1986) (Fourteenth Amendment). Thus, the plaintiff has failed to allege conduct that violates the Constitution.

In the absence of a constitutional violation, the plaintiff has failed to state a claim upon which § 1983 relief can be granted. As a consequence, the Court is obliged to dismiss the instant action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

Todd Campbell  
Todd Campbell  
United States District Judge